

EXHIBIT A

**Declaration of Benjamin Osborn in Support of
Plaintiffs' Motion for Class Certification**

1 **THE UNITED STATES DISTRICT COURT**
2 **FOR THE DISTRICT OF NEVADA**

3 ANTHONY SESSA AND MARK SESSA,
4 individually and on behalf of all others similarly
5 situated,

6 Plaintiffs,

7 vs.

8 ANCESTRY.COM OPERATIONS INC., a
9 Virginia Corporation; ANCESTRY.COM, INC.,
a Delaware Corporation; ANCESTRY.COM
10 LLC, a Delaware Limited Liability Company,

11 Defendants.

12 **DECLARATION OF BENJAMIN R. OSBORN**

13
14 I, Benjamin Osborn, hereby declare as follows:

15 1. I am an attorney representing Plaintiffs in this matter.

16 2. Attached as **Exhibit 1** is a true and correct copy of Ancestry_00000229-238, which
17 has been marked CONFIDENTIAL and filed under seal.

18 3. Attached as **Exhibit 2** is a true and correct copy of Ancestry_00000245-246, which
19 has been marked CONFIDENTIAL and filed under seal.

20 4. Attached as **Exhibit 3** is a true and correct copy of the transcript of the Rule
21 30(b)(6) deposition of Todd Godfrey in this matter, which has been marked CONFIDENTIAL and
22 has been filed under seal with a redacted version filed publicly.

23 5. Attached as **Exhibit 4** is a true and correct copy of Ancestry_00002559-2615,
24 which has been marked HIGHLY CONFIDENTIAL and filed under seal.
25
26
27

1 6. Attached as **Exhibit 5** is a true and correct copy of ANCESTRY_00002910-2918,
2 which has been marked HIGHLY CONFIDENTIAL and filed under seal.

3 7. Attached as **Exhibit 6** is a true and correct copy of ANCESTRY_00002935, which
4 has been marked HIGHLY CONFIDENTIAL and filed under seal.

5 8. Attached as **Exhibit 7** is a true and correct copy of ANCESTRY_00002711-2713,
6 which has been marked HIGHLY CONFIDENTIAL and filed under seal.

7 9. Attached as **Exhibit 8** is a true and correct copy of Ancestry_00000214-217, which
8 has been marked CONFIDENTIAL and filed under seal.

9 10. Attached as **Exhibit 9** is a true and correct copy of Ancestry's Supplemental
10 Responses and Objections to Plaintiffs' First Set of Interrogatories, dated October 25, 2022, which
11 contains CONFIDENTIAL information and has been filed under seal with a redacted version filed
12 publicly.

13 11. Attached as **Exhibit 10** is a true and correct copy of Ancestry's "School yearbook
14 Submission Program" form.

15 12. Attached as **Exhibit 11** is a true and correct copy of Ancestry's "Terms and
16 Conditions – Revision as of October 6, 2010," Ancestry_00000716-722.

17 13. Attached as **Exhibit 12** is a true and correct copy of Ancestry's "Terms and
18 Conditions," dated May 10, 2021, Ancestry_00000723-736.

19 14. Attached as **Exhibit 13** is a true and correct copy of Plaintiff Anthony Sessa's
20 Supplemental Answers and Objections to Defendants' First Set of Interrogatories, dated November
21 22, 2022.

22 15. Attached as **Exhibit 14** is a true and correct copy of Plaintiff Mark Sessa's
23 Supplemental Answers and Objections to Defendants' First Set of Interrogatories, dated November
24
25
26
27

22, 2022.

16. Attached as **Exhibit 15** is a true and correct copy of the transcript of the deposition of Anthony Sessa in this matter.

17. Attached as **Exhibit 16** is a true and correct copy of the transcript of the deposition of Mark Sessa in this matter.

18. I graduated from Harvard Law School in 2010.

19. After graduating law school, I was counsel in *In re: Google Buzz Privacy Litig.*, No. 10-cv-00672-JW (N.D. Cal.). I drafted the complaint. Plaintiffs alleged that by automatically signing up all Gmail users to its newly created social network without their consent, Google violated Gmail users' privacy and incurred statutory damages under the federal Stored Communications Act. Plaintiffs secured a settlement of \$8.5 million for the class.

20. From 2011 to 2016, I was a litigation associate at Cravath, Swaine & Moore LLP in New York. Cravath uses a rotational system that provides its associates exposure to a wide variety of case types. I represented clients in litigations of many types, including antitrust, patent, trademark, and contract law.

21. From 2017 to 2020 I was an investment associate at Bridgewater Associates, a hedge fund in Westport, Connecticut.

22. In 2020 I founded the Law Office of Benjamin R. Osborn. I am the sole member of my firm. For the past two years my practice has been dedicated to the defense of individuals' rights against companies that misappropriate names and likenesses without consent to advertise commercial products and services.

23. I am counsel in a number of active cases asserting claims under state right of publicity statutes against websites that use individuals' personal information without permission

1 to advertise subscriptions. Through my work in these cases, I have briefed and/or argued over a
2 dozen motions to dismiss or strike, all but one of which resulted in favorable rulings for my clients.
3 I have also briefed, and in one case argued, several Circuit Court appeals, one of which resulted in
4 a favorable ruling for my clients, and one of which the defendant voluntarily dismissed.

5 24. The relevant cases in which I am counsel include: *Batis v. Dun & Bradstreet*, 3:22-
6 cv-01924-MMC (N.D. Cal.); *Bonilla v. Ancestry*, 20-cv-7390 (N.D. Cal.); *Boshears v.*
7 *PeopleConnect*, 21-cv-01222-MJP (W.D. Wash); *Callahan v. Ancestry*, 20-cv-087437 (N.D.
8 Cal.); *DeBose v. Dun & Bradstreet*, 22-cv-00209 (D. N.J.); *Fry v. Ancestry*, 22-cv-00104 (N.D.
9 Ind.); *Gbeintor v. InsideView*, 21-cv-09470 (N.D. Cal.); *Izzo v. PeopleConnect*, 22-cv-00016 (W.D.
10 Wash); *Kellman v. Spokeo*, 21-cv-08976 (N.D. Cal.); *Mackey v. PeopleConnect*, 21-cv-08976
11 (N.D. Cal.); *Martinez v. ZoomInfo*, 21-cv-05725 (W.D. Wash); *Spinder v. Seamless.ai*, 22-cv-
12 00787 (N.D. Cal.); *Sessa v. Ancestry*, 20-cv-02292 (D. Nev.); *Uharriet v. MyLife*, 21-cv-08229
13 (N.D. Cal.); and *Wilson v. Ancestry*, 22-cv-00861 (S.D. Oh.).

14
15 25. Through my work on these cases, I have become well versed on legal issues
16 relevant to this case.
17

18 I declare under penalty of perjury under the laws of the United States of America that the
19 foregoing is true and correct to the best of my knowledge.
20

21 Executed this 5 day of December, 2022.
22

23
24 

25 Benjamin R. Osborn
26
27